Ontario

A Guide to the Occupational Health and Safety Act for Farming Operations

A Guide to the Occupational Health and Safety Act for Farming Operations

Copies of this Guide and other Guides, Statutes and Regulations relating to Occupational Health and Safety may be obtained from the Ministry of Labour's website at www.labour.gov.on.ca, or purchased from:

Ministry of Labour, Publications Section, 655 Bay Street, 14th Floor, Toronto M7A 1T7. Telephone (416) 326-7731 or toll-free in Ontario at 1-800-268-8013. Prepayment is required. Cheques and money orders should be made payable to the Minister of Finance. American Express, MasterCard, and VISA are accepted.

or

Publications Ontario, 880 Bay Street, Toronto for personal shopping. Out-of-town customers can write to Publications Ontario, 880 Bay Street, 5th floor, Toronto M7A 1N8. Telephone (416) 326-5300 or toll-free in Ontario at 1-800-668-9938. Persons with hearing impairments can call (416) 965-5130 or toll-free in Ontario at 1-800-268-7095. Cheques and money orders should be made payable to the Minister of Finance. Prepayment is required. MasterCard, VISA and debit cards are accepted.

To order through POOL, Publications Ontario On-Line, contact the websites at:

http://pubont.stores.gov.on.ca/pool/english

or

http://pubont.stores.gov.on.ca/pool/french

ISBN 1-4249-0213-4 03/06

© Queen's Printer for Ontario, 2006

2007-01576/

Table of Contents

Foreword v

Introduction vi

1. About this Guide 1

2. About the Occupational Health and Safety Act 2

The Workplace Partnership 2

The Rights of Workers 3

Duties of Employers and Other Persons 4

Enforcement 4

Regulations 5

3. Which Farming Operations Are Covered by the Act? 6

4. Duties of Employers, Supervisors, Workers, and Suppliers 8

General Duties of Employers on Farming Operations 8

Duties of Employers Concerning Toxic Substances 10

Notices Required from Employers 10

Duties of Supervisors 12

Duties of Suppliers 13

Duties of Corporate Officers and Directors 13

Duties of Workers 13

5. Worker Health and Safety Representatives and Joint Health and Safety Committees 15

Worker Health and Safety Representatives 16

Confidentiality of Information 19

Joint Health and Safety Committees 20

The Powers of the Joint Health and Safety Committee 23

Employer's Duty to Co-operate with the Committee 26

Certified Members of Joint Health and Safety Committees 26

Confidentiality of Information 29

6. The Right to Refuse Work 30

7. Workplace Safety and Insurance Board (WSIB) 35

Certification of Joint Health and Safety Committee Members 35

Education and Training 36

Health and Safety Training Centres, Clinics and Safety Associations 36

Employer Accreditation 36

Other Functions 37

8. Enforcement 38

Appendix A 43

How to Prepare an Occupational Health and Safety Policy on a Farming Operation 43

Appendix B 46

Regulations made under the *Occupational Health and Safety Act* that apply to Farming Operations 46

Appendix C **50**

Ministry of Labour – Occupational Health and Safety Contact Information 50

Appendix D **52**

Notice of Critical Injury or Fatality 52

Notice of Occurrence or Occupational Illness 52

Foreword

As of June 30, 2006, Ontario's Occupational Health and Safety Act will apply, with some limitations and exceptions, to all farming operations that have paid workers.

Until now, the Occupational Health and Safety Act has not applied to farming operations although it may have applied to a narrower range of activities taking place on a farm.

This guide has been prepared to assist employers, workers, worker representatives, members of Joint Health and Safety Committees (JHSC), supervisors, and suppliers on farming operations who have duties under the Occupational Health and Safety Act ("the Act"). It should not be taken to be a statement of the law. It is intended to provide general answers to questions that may be asked. It is up to each person who has responsibilities under the Occupational Health and Safety Act to determine what is necessary to comply with the Act.

Ministry inspectors will assess workplace situations against the relevant provisions in the Act but they do not enforce this Guide, although they may refer to it in determining whether the law has been complied with.

A person who needs assistance in determining what constitutes compliance should consult with his/her legal advisor.

Introduction

We all share the goal of making Ontario's farming operations safe and healthy.

The Occupational Health and Safety Act*, which applies to farming operations with paid workers as of June 30, 2006, provides us with the framework and the tools to achieve this goal. The Act sets out the rights and duties of all parties in the workplace. It establishes procedures for dealing with workplace hazards, and it provides for enforcement of the law where compliance has not been achieved voluntarily.

Every improvement in occupational health and safety benefits all of us. Through cooperation and commitment, we can make Ontario's farming operations safer and healthier places to work. It's worth the effort.

---

* The Occupational Health and Safety Act is amended from time to time. A current version is available at the following government internet website:
http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90o01_e.htm

1. About this Guide

If you are concerned about occupational health and safety on farming operations, you should take the time to read this guide. It explains what every worker, supervisor and employer needs to know about the Occupational Health and Safety Act. It describes everyone's rights and responsibilities and it answers, in plain language, the questions that are most commonly asked about the Act.

However, please remember that this guide is only an explanation of the Act. It is not a legal document. To make the guide easier to read, some parts of the Act have been omitted or condensed. The guide does not cover every situation or answer every question about the legal requirements concerning occupational health and safety on farming operations in Ontario.

In some situations, you may need to know exactly what the Act says, so that you can be sure you are making the right decision or giving the right advice. In such cases, you must read the Act and the relevant regulations. But if you read this guide beforehand, you may find the legislation easier to understand. Throughout the guide, the relevant section numbers of the Act have been inserted in the text.

2. About the Occupational Health and Safety Act

The Occupational Health and Safety Act has been in force since 1979. Prior to June 30, 2006, all farming operations were exempt from the application of the Act. As of June 30, 2006, the Act applies, with some limitations and exceptions, to all farming operations that have paid workers. The purpose of the Act is to protect workers against health and safety hazards on the job. The main features of the Act, as they apply to farming operations, are described below.

The Workplace Partnership

Workers and employers must share the responsibility for occupational health and safety. This concept of an "internal responsibility system" is based on the principle that the workplace parties themselves are in the best position to identify health and safety problems and to develop solutions. Ideally, the internal responsibility system involves everyone, from the employer to the worker. How well the system works depends upon whether there is a complete, unbroken chain of responsibility and accountability for health and safety.

Several provisions of the Act are aimed at fostering the internal responsibility system. One important provision is the requirement for employers that regularly employ more than five employees to have a health and safety policy and program. Worker health and safety representatives (which are required when the number of workers regularly exceeds five and where no joint health and safety committee is required), and joint health and safety committees

(which are required in certain workplaces that "regularly employ"* a minimum number of workers) have a role to play by monitoring the internal responsibility system. The Act sets out the basic rules of operation for both worker health and safety representatives and joint health and safety committees. See Chapter 5 for detailed information.

The Rights of Workers

To balance the employer's general right to direct the work force and control the production process in the workplace, the Act gives four basic rights to workers:

The Right to Participate

Workers have the right to be part of the process of identifying and resolving workplace health and safety concerns. One way this right is expressed is through membership on the joint health and safety committee, or through worker health and safety representatives.

The Right to Know

Workers have the right to know about any potential hazards to which they may be exposed. This means the right to be trained and to have information on machinery, equipment, working conditions, processes and hazardous substances.

The Right to Refuse Work

Workers have the right to refuse work that they believe is dangerous to either their own health and safety or that of another worker. The Act describes the exact process for refusing dangerous work and the responsibilities of the employer in responding to such a refusal.

The Right to Stop Work

In certain circumstances, members of a joint health and safety committee who are "certified" have the right to stop work that is

---

* See page 15 for definition of 'regularly employed'

dangerous to any worker. The Act sets out these circumstances and how the right to stop work can be exercised.

Duties of Employers and Other Persons

The Act imposes duties on those who have any degree of control over the workplace, the materials and equipment in the workplace and the direction of the work force.

There is a general duty on employers to take all reasonable precautions to protect the health and safety of workers. The employer also has many specific responsibilities. For example, there are duties that specifically relate to providing information and instruction to workers to protect their health and safety, ensuring that equipment is maintained in good condition, and notifying the Ministry of Labour of workplace fatalities and critical injuries.

The duties of workers are generally to work safely, in accordance with the legislation.

Enforcement

If the internal responsibility system fails to address adequately the health and safety issues on a farming operation, or if the Act and regulations are not being followed, the Ministry of Labour has the authority to enforce the law.

Inspectors have broad powers to, among other things, inspect any workplace, investigate any potentially hazardous situation and work refusal, order compliance with the Act and regulations, and initiate prosecutions.

Employers, supervisors and workers must assist and co-operate with inspectors.

Regulations

The regulations that apply to farming operations can be found in Appendix B. Employers, supervisors and workers are all obligated to comply with these regulations, in addition to their responsibilities under the Act.

3. Which Farming Operations Are Covered by the Act?

As of June 30, 2006, the Occupational Health and Safety Act applies, with some limitations and exceptions, to all farms with paid workers. It does not apply to self-employed farmers who do not have any paid workers.

A farm owner/operator hires one person to help out at peak times, usually once or twice a year, for a few weeks at a time. Does the Act apply?

The Act will apply whenever there is a paid worker on the farming operation, even if it is only for a short period of time. During these times, the owner/operator will have all the applicable responsibilities under the Act.

The Act will not apply at those times of the year when there are no paid workers on the farming operation.

A farmer doesn't have any employees, but the farmer's children work on the farming operation during their summer holidays. They are not paid a salary, but the farmer purchased a car for one and paid the other's university tuition. Does the Act apply?

No. If the farmer's children are not paid a salary or wages for their work, the Ministry of Labour would not consider them to be "workers" for the purposes of the Occupational Health and Safety Act.

A husband and wife are self-employed farmers with no paid workers. They have incorporated their business for tax purposes. They each draw salaries from their company and receive T4 slips. Are they workers of the company for the purposes of the Occupational Health and Safety Act? Is such an operation covered by the Act?

The Ministry of Labour would consider the husband and wife to be self employed and the Occupational Health and Safety Act would not apply to this farming operation solely because it is incorporated and the owners collect a salary.

4. Duties of Employers, Supervisors, Workers, and Suppliers

As of June 30, 2006, the Occupational Health and Safety Act, with some exceptions and limitations, applies to any farming operation that has paid workers. This chapter outlines the duties under the Act of employers, supervisors, workers, and suppliers on farming operations.

General Duties of Employers on Farming Operations

An employer on a farming operation who is covered by the Act has an obligation to:

- instruct, inform and supervise workers to protect their health and safety [section 25(2)(a)];

- assist in a medical emergency by providing any information—including confidential business information—to a qualified medical practitioner who requests the information in order to diagnose or treat any person [section 25(2)(b)];

- appoint competent persons as supervisors [section 25(2)(c)]. "Competent person" has a very specific meaning under the Act. He or she must:

    - be qualified—through knowledge, training and experience—to organize the work and its performance;
    - be familiar with the Act and the regulations that apply to the work being performed in the workplace;

- know about any actual or potential danger to health and safety in the workplace;*

- acquaint a worker, or a person in authority over a worker, with any hazard in the work and in the handling, storage, use, disposal and transport of any article, device, equipment, or biological, chemical or physical agent [section 25(2)(d)];

- provide assistance and co-operation to worker health and safety representatives and joint health and safety committees (if either are required) when carrying out their functions [section 25(2)(e)];

- take every precaution reasonable in the circumstances for the protection of a worker [section 25(2)(h)];

- ensure that the equipment, materials and protective devices provided by the employer are maintained in good condition [section 25(1)(b)];

- post in the workplace a copy of the Occupational Health and Safety Act, as well as explanatory material that has been prepared by the Ministry of Labour that outlines the rights, responsibilities and duties of workers. If the majority language of a workplace is a language other than English, and if the Ministry has prepared explanatory material in that language, the employer must post the explanatory material both in English and in the majority language [section 25(2)(i)];

- where there are more than five employees regularly employed at the workplace, prepare a written occupational health and safety policy, review that policy at least once a year and set up a program to implement it [sections 25(2)(j) and 25(4)]. For guidance on how to do this, see Appendix A. Employers must also post a copy of the occupational health and safety policy in

---

* *Employers may appoint themselves as supervisors if they meet all three qualifications [section 25(3)].*

the workplace, where workers will be most likely to see it [section 25 (2)(k)];

- provide the worker health and safety representative or joint health and safety committee (if either is required) with the results of any occupational health and safety report that the employer has. If the report is in writing, the employer must also provide a copy of the relevant parts of the report [section 25(2)(l)];

- advise workers of the results of such a report. If the report is in writing, the employer must, on request, make available to workers copies of those portions that concern occupational health and safety [section 25(2)(m)]; and

- ensure that every part of the physical structure of the workplace can support all loads to which it may be subjected, in accordance with the Building Code Act [section 25(1)(e)].

Duties of Employers Concerning Toxic Substances

A toxic substance is a biological, chemical or physical agent (or a combination of such agents) whose presence or use in the workplace may endanger the health or safety of a worker.

When it comes to toxic substances in the workplace, employers have a general obligation to take every precaution reasonable in the circumstances for the protection of a worker. They must also provide information, instruction and supervision to a worker with respect to toxic substances to protect his or her health and safety.

Notices Required from Employers

If an injury, illness, or fatality occurs at the workplace, the employer has the following duties to notify certain people:

1) Where there is a Critical Injury or Death

If a person, whether a worker or not (this includes, for example, supervisors, employers, workers, unpaid family members, and visitors), has been critically injured (see definition below) or killed at the workplace, the employer must **immediately** notify an inspector at the nearest Ministry of Labour office, and the worker health and safety representative or joint health and safety committee (if any). This notice must be by direct means, such as by telephone, facsimile or telegram.

A "critical injury" is an injury of a serious nature that,

(a) places life in jeopardy,

(b) produces unconsciousness,

(c) results in substantial loss of blood

(d) involves the fracture of a leg or arm but not a finger or toe,

(e) involves the amputation of a leg, arm, hand or foot but not a finger or toe,

(f) consists of burns to a major portion of the body, or

(g) causes the loss of sight in an eye. [Regulation 834]

Within 48 hours, the employer must also notify, in writing, a Regional Director of the Ministry of Labour, giving the circumstances of the occurrence [section 51(1)].

Please see Appendix C for a list of Ministry of Labour offices.

Please see Appendix D for a list of the information recommended by the Ministry of Labour to be included in a written notice of critical injury or fatality and notice of occurrence or occupational illness.

2) Where there is an Injury that is not a Critical Injury

If an accident, explosion or fire occurs and a worker is disabled or requires medical attention, the employer must notify the worker

health and safety representative or joint health and safety committee (if any) in writing within four days of the incident. If required by an inspector, this written notice must also be given to a Regional Director of the Ministry of Labour (Appendix D) [section 52(1)].

3) Where there is an Occupational Illness

If an employer is told that a worker has an occupational illness or that a claim for an occupational illness has been filed with the Workplace Safety and Insurance Board, the employer must notify a Regional Director of the Ministry of Labour, and the worker health and safety representative or joint health and safety committee (if any) within four days. The notice must be in writing. This duty to notify applies not only with respect to current employees, but also with respect to former ones (Appendix D) [section 52(3)].

Generally, an occupational illness is any condition or illness that is caused by factors associated with the workplace. It is defined in the Act as a condition that results from exposure in a workplace to a physical, chemical or biological agent to the extent that the normal physiological mechanisms are affected and the health of the worker is impaired. It includes, but is not limited, to an occupational disease for which a worker is entitled to benefits under the Workplace Safety and Insurance Act, 1997.

Duties of Supervisors

The Act sets out certain specific duties for supervisors. A supervisor means a person who has charge of a workplace or authority over a worker. A supervisor must:

- ensure that a worker complies with the Act and regulations [section 27(1)(a)];

- ensure that any equipment, protective device or clothing required by the employer is used or worn by the worker [section 27(1)(b)];

- advise a worker of any potential or actual health or safety dangers known by the supervisor [section 27(2)(a)]; and

- take every precaution reasonable in the circumstances for the protection of workers [section 27(2)(c)].

Duties of Suppliers

Every person who supplies workplace equipment of any kind under a rental, leasing or similar arrangement must ensure that the equipment complies with the Act and regulations and is in good condition. The supplier must also maintain the equipment in good condition if this is his or her responsibility under the rental or leasing arrangement [section 31(1)]. This section does not apply to equipment that is sold to a workplace.

Duties of Corporate Officers and Directors

Every officer and director of a corporation must take all reasonable care to ensure that the corporation complies with the Act and regulations as well as with any orders and requirements of Ministry of Labour inspectors or Directors, and the Minister of Labour [section 32].

Duties of Workers

Workers also have several general duties under the Act. Workers must take responsibility for their own health and safety at the workplace insofar as they are able. Under the Act, a worker must:

- work in compliance with the Act and regulations [section 28(1)(a)];

- use or wear any equipment, protective devices or clothing required by the employer [section 28(1)(b)];

- report to the employer or supervisor any known missing or defective equipment or protective device that may be dangerous to any worker[section 28(1)(c)];

- report any known workplace hazard to the employer or supervisor [section 28(1)(d)];

- report any known contravention of the Act or regulations to the employer or supervisor [section 28(1)(d)];

- not remove or make ineffective any protective device required by the employer [section 28(2)(a)];*

- not use or operate any equipment or work in a way that may endanger himself or herself, or any other worker [section 28(2)(b)]; and

- not engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct [section 28(2)(c)].

---

* *The only exception to this rule is if one can provide an adequate temporary protective device. Once there is no longer a need to remove the required protective device or to make it ineffective, it must be replaced immediately.*

5. Worker Health and Safety Representatives and Joint Health and Safety Committees

As of June 30, 2006, worker health and safety representatives or joint health and safety committees are required on some farming operations. This chapter outlines these requirements and other provisions of the Act that deal with worker health and safety representatives and joint health and safety committees. More detailed information is available in the separate booklet called "A Guide for Health and Safety Representatives and Joint Health and Safety Committees on Farming Operations". See the beginning of this booklet for information on how to obtain that publication.

When is a worker health and safety representative required on a farming operation?

A worker health and safety representative is required on:

- All farming operations with 6 to 19 "regularly employed" (see below for information on the meaning of this term) workers, regardless of the type of farm or commodity, and
- Farming operations that have 20 or more "regularly employed" workers that are not required to have a joint health and safety committee. [Section 8(1) of the Act.]

Who is considered "regularly employed" for the purpose of determining whether a worker health and safety representative or joint health and safety committee is required at a workplace?

"Regularly employed" means anyone who is employed for a period that exceeds three months. This includes permanent full-time staff,

permanent part-time staff, contract staff, and seasonal workers. It also includes managers and supervisors.

There may be situations where there is a high turnover of staff, and a number of different workers fill a particular position, with each person working in it for less than three months. If the term of the position exceeds three months, that position will be included for the purpose of determining whether a health and safety representative or joint health and safety committee is required, even though no single worker occupied that position for more than three months.

Worker Health and Safety Representatives

Worker health and safety representatives are committed to improving health and safety conditions at the workplace. The representative is someone who does not exercise managerial functions, and who is selected by workers at the workplace.*

Where a worker health and safety representative is required, the employer is obligated to ensure that the workers select a representative.

A worker health and safety representative has the power to:

Identify Workplace Hazards

The worker health and safety representative has the power to identify workplace hazards. This power is usually exercised by conducting workplace inspections.

The Act requires that the workplace be inspected at least once a month. In some cases, this may not be practical. For example, the

---

* *Anyone who has authority to hire, fire or discipline workers; or, the authority to recommend the hiring, firing or disciplining of workers; may be considered to be part of management and cannot be a worker health and safety representative.*

farming operation may be too large and complex to be fully inspected each month. In such a case, the worker health and safety representative must inspect the entire workplace at least once a year, with at least part of it being inspected each month in accordance with a schedule agreed to by the worker health and safety representative and employer [sections 8(6), 8(7), and 8(8)].

Other workers, as well as the employer, must give the worker health and safety representative any information and assistance needed to carry out these inspections [section 8(9)].

Obtain Information from the Employer

The health and safety representative is entitled to information regarding hazardous materials, processes or equipment. As well, the employer must share any knowledge of health and safety practices, tests and standards in the industry [sections 8(11)(a), 8(11)(c), 11, and 25(2)(l)].

Be Consulted about Workplace Testing

If the employer intends to do testing of any kind related to occupational health and safety in or about the workplace, the representative has the right to be consulted before the testing takes place. He or she may also be present at the beginning of such testing [section 8(11)(b)].

Make Recommendations to the Employer

The worker health and safety representative has the power to make recommendations to the employer on ways to improve workplace health and safety. For example, the worker health and safety representative could recommend that hearing protection be given to the workers who work in noisy areas.

The employer must respond in writing to any written recommendations within 21 days [section 8(12)]. If the employer agrees with the recommendations, the response must include a timetable for implementation. For example, if the employer agrees that a work surface should be equipped with a guardrail to prevent falls, the response must say when it will be installed. If the employer

disagrees with a recommendation, the response must give the reasons for disagreement [section 8(13)].

Investigate Work Refusals

The worker health and safety representative should be present at the investigation of a work refusal. (For more information, see Chapter 6, "The Right to Refuse Work".)

Investigate Serious Injuries

If a worker is killed or critically injured on the job, the worker health and safety representative has the right to inspect the scene where the accident occurred and any machine, equipment, substance, or other thing that may be connected with it (but cannot/and should not alter it without permission from an inspector). His or her findings must be reported in writing to a Director of the Ministry of Labour [section 8(14)].

Obtain Information from the Workplace Safety and Insurance Board (WSIB)

Upon request of the worker health and safety representative, the Workplace Safety and Insurance Board (WSIB) must provide an annual summary of information about compensation claims relating to all workplaces of the employer in Ontario [section 12(1)]*. This information must include:

- number of fatalities
- number of lost-time injuries
- number of workdays lost
- number of injuries requiring medical aid but that did not involve lost workdays
- incidence of occupational illnesses
- number of occupational injuries.

---

* *This information can also be requested by the employer, an individual employee, or a joint health and safety committee representative.*

The WSIB can include any other information it considers necessary. When this report is received from the WSIB, the employer must post it in the workplace, where it is likely to be seen by the workers. If necessary, it may be posted in more than one area of the workplace, to ensure that all workers see it.

Are representatives paid while performing their duties?

Yes. Worker health and safety representatives are deemed to be working when carrying out inspections of the workplace or investigations of accidents, and are entitled to be paid at either their regular rate, or, where applicable, their premium rate of pay (i.e., **if** they are entitled to premium pay whenever they work extra hours, and their inspection/investigation duties take them beyond their usual hours of work) [section 8(15)].

Confidentiality of Information

Worker health and safety representatives may from time to time come across confidential information. Therefore, the Act requires worker health and safety representatives to observe some basic rules of confidentiality [section 63]. Except where allowed under the Occupational Health and Safety Act, or as required by another law, worker health and safety representatives:

- must not disclose any information about any workplace tests or inquiries conducted under the Act;
- must not reveal the name of any person from whom information is received;
- must not disclose any secret process or trade information; and
- may disclose the results of any medical examinations or tests of workers only in a way that does not identify anyone.

Joint Health and Safety Committees

A joint health and safety committee is an advisory group of worker and management representatives. It meets regularly to discuss health and safety concerns, review progress and make recommendations.

When is a joint health and safety committee required on a farming operation?

A joint health and safety committee is required if there are 20 or more workers who are regularly employed and have duties related to one or more of the following operations:

- Mushroom farming
- Greenhouse farming
- Dairy farming
- Hog farming
- Cattle farming
- Poultry farming.

[Section 9(2) of the Act and sections 3(1) and 3(2) of Ontario Regulation 414/05.]

Who is responsible for establishing a committee on a farming operation?

Every employer with 20 or more workers whose workplace falls into one of the above commodities is responsible for establishing a joint health and safety committee. This means causing the members to be chosen and setting aside a time and place for meetings.

How many members must a committee have?

The minimum size of the committee depends on the number of workers.

Where fewer than 50 workers are regularly employed in mushroom, greenhouse, dairy, cattle, hog and poultry farming operations, the committee must have at least two members [section 9(6)(a)].

If 50 or more workers are regularly employed in these types of operations, the committee must have at least four members [section 9(6)(b)].

In both cases at least half of the members of the JHSC must represent workers [section 9(7)] with the balance representing management [section 9(9)].

Whenever possible, committee membership should represent the health and safety concerns of the entire workplace. For example, if a workplace has a greenhouse and a barn, both of these areas should be represented on the committee.

Who can serve as a committee member? How are members chosen?

Except for the following rules, there are no restrictions on who can serve on joint health and safety committees:

- At least half the members on the committee must represent workers [section 9(7)].

- The members who represent workers must be workers who do not exercise managerial functions [section 9(7)].*

- The members representing workers must be employed by the workplace covered by the committee. Members no longer employed at the workplace cannot serve on the committee [section 9(10)].

---

* *Anyone who has authority to hire, fire or discipline workers; or, the authority to recommend the hiring, firing or disciplining of workers; may be considered to be part of management and cannot be a worker health and safety representative.*

- The members representing workers must be chosen by the workers they are to represent [section 9(8)].

- The managerial members of the committee are chosen by the employer. Where possible, they should be employed at that workplace. If there are no managerial employees at the workplace covered by the committee, these members can come from another workplace of the employer. [section 9(9)].

- The names and work locations of the committee members must be posted in the workplace, where they are most likely to be seen by the workers. The employer is responsible for this posting [section 9(32)].

How should a committee operate?

The Act sets out only a few rules on how the committee should operate. Other than the following, the committee is free to decide its own procedures.

- The committee must meet at the workplace at least once every three months [section 9(33)]. Many committees may need to meet more often.

- The committee must be co-chaired by two members. One of the co-chairs is chosen by the members who represent workers, the other by the members representing the employer [section 9(11)].

- Members are entitled to one hour of paid preparation time before each meeting. The committee can decide that more paid preparation time is required. Members are also paid for time spent at meetings and for carrying out certain other committee duties. They are paid their regular rate or, where applicable, their premium rate of pay [section 9(34) and (35)].

- The committee must keep a record (minutes) of its meetings. These minutes must be made available, upon request, to a Ministry of Labour inspector [section 9(22)].

The Powers of the Joint Health and Safety Committee

The joint health and safety committee has several important rights and responsibilities.

Identify Workplace Hazards

The main purpose of the committee is to identify workplace hazards, such as machinery, substances, production processes, working conditions, procedures or anything else that can endanger the health and safety of workers [section 9(18)(a)]. To a large extent, this purpose is met by carrying out inspections of the workplace.

The members of the committee who represent workers must choose one of their group to inspect the workplace. This member does not always have to be the same person but should be, if possible, a "certified" committee member (see page 28) where they are required [sections 9(23), (24) and (25)].

The Act requires that the workplace be inspected at least once a month. In some cases, this may not be practical. For example, the farming operation may be too large and complex to be inspected fully each month. In such a case, the committee should establish an inspection schedule that will ensure that at least *part* of the workplace is inspected each month and the *entire* workplace is inspected at least once a year [sections 9(26), (27) and (28)].

The committee member who performs the inspection must report to the committee any actual or potential hazard facing workers.

The committee must consider this information within a reasonable period of time [section 9(30)].

A Ministry of Labour inspector can order that the workplace be inspected more frequently than the Act requires.

Obtain Information from the Employer

For most committees, the employer is likely to be an important source of information. The committee has the power to obtain information from the employer:

- about any actual or potential hazards in the workplace [section 9(18)(d)(i)];

- about the health and safety experience and work practices and standards in similar or other industries of which the employer has knowledge [section 9(18)(d)(ii)]; and

- about any workplace testing that is being carried out for occupational health and safety purposes [section 9(18)(e)]. In addition, the committee has the right to be consulted about any workplace testing and to have a committee member representing workers present at the beginning of the testing if the member believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid [section 9(18)(f)].

Make Recommendations to the Employer

The committee has the power to make recommendations to the employer and to the workers on ways to improve workplace health and safety. For example, the committee could recommend that hearing protection be given to workers who work in noisy areas [sections 9(18)(b) and (c)].

The employer must respond to any written recommendations from the committee, in writing, within 21 days. If the employer agrees with the recommendations, the response must include a timetable for implementation. For example, if the employer agrees that a work surface should be equipped with a guardrail to prevent falls, the response must say when it will be installed. If the employer disagrees with a recommendation, the response must give the reasons for disagreement [sections 9(20) and (21)].

Investigate Work Refusals

The committee members who represent workers must designate one of their group to be present at the investigation of a work refusal. [For more information, see Chapter 6, "The Right to Refuse Work".]

Investigate Serious Injuries

If a worker is killed or critically injured on the job, the members of the committee who represent workers must choose one or more of their group to conduct an investigation [section 9(31)]. This investigation can be part of, or in addition to, an investigation conducted by the employer or the Ministry of Labour.

The member(s) chosen to investigate have the right to inspect the actual scene where the worker was injured or killed (but cannot/and should not alter it without permission from an inspector) and can also inspect any machine, equipment, substance, or other thing, that may be connected with it. The findings must be reported to the committee and to a Director of the Ministry of Labour.

Obtain Information from the Workplace Safety and Insurance Board

At the committee's request, the Workplace Safety and Insurance Board (WSIB) must provide an annual summary of information about compensation claims relating to all workplaces of the employer in Ontario [section 12(1)] .*

This information must include:

- number of fatalities
- number of lost-time injuries
- number of workdays lost
- number of injuries requiring medical aid but that did not involve lost workdays

---

* *This information can also be requested by the employer, an individual worker or a worker health and safety representative.*

- incidence of occupational illnesses
- number of occupational injuries.

The WSIB can include any other information it considers necessary.

When this report is received from the WSIB, the employer must post it in the workplace, where it is likely to be seen by the workers. If necessary, it may be posted in more than one area of the workplace, to ensure that all workers see it.

Employer's Duty to Co-operate with the Committee

The Act places a general duty on the employer to provide assistance and co-operation to a joint health and safety committee in the carrying out of its responsibilities [section 25(2)(e)]. In particular, the employer is required to:

- provide any information that the committee has the power to obtain from the employer;
- respond to committee recommendations, as described earlier;
- give the committee copies of all orders and reports issued by the Ministry of Labour inspector; and
- report any workplace deaths, injuries and illnesses to the committee.

Certified Members of Joint Health and Safety Committees

What is a "certified" member of a joint health and safety committee?

A "certified" member of a joint health and safety committee is a member who has received special training in occupational health and safety and has been certified by the Workplace Safety and Insurance Board (WSIB). He or she plays an important role on the health and

safety committee and in the workplace, with specific authority and responsibilities.

When is it necessary to have a certified member on a joint health and safety committee on a farming operation?

Certified committee members are required on mushroom, greenhouse, dairy, cattle, hog and poultry farming operations with **50** or more regularly employed workers [section 9(12) of the Act, section 3(3) of Ontario Regulation 414/05].

Who decides which joint health and safety committee members will be certified?

The employer is responsible for ensuring that the requirement for certified members is met. There is no upper limit to how many members may be certified, but there must be at least two: one representing workers and one representing the employer.

The workers who selected the joint health and safety committee members also decide which members representing workers are to be certified [section 9(14)].

If more than one of the joint health and safety committee members representing workers is certified, the workers must designate one or more of them as being entitled to exercise the rights and duties of certified members [section 9(15)].

Similarly, if more than one of the joint health and safety committee members representing the employer is certified, the employer must designate one or more as being able to exercise the rights and duties of certified members [section 9(16)].

In other words, even though a person is a committee member, and has been certified by the WSIB, he or she does not have the rights and powers of a certified member unless designated.

How do joint health and safety committee members become certified?

The WSIB (see Chapter 7) has the authority, under the Workplace Safety and Insurance Act, 1997, to certify members and set their training requirements.

What rights and duties do certified members have?

Because certified members have special training in workplace health and safety, they have special responsibilities in the workplace.

Where possible, the certified member who represents workers should conduct the monthly workplace inspections [section 9(24)]. He or she should also be present, if possible, at the investigation of a work refusal.

A certified member who receives a complaint that dangerous circumstances exist is entitled to investigate the complaint [section 48(1)].

Certified members also have the right, under certain circumstances, to order the employer to stop work that is dangerous to a worker. In most cases, it takes two certified members representing both management and the workers to direct an employer to stop dangerous work. In some special cases, a single certified member may have this right. For a complete explanation of this right, see Chapter 8 ("The Right to Stop Work") of the general publication, "A Guide to the Occupational Health and Safety Act". See the beginning of this document for information on how to obtain that publication.

Are certified members paid while they perform their duties?

Yes. Certified members who are exercising their rights and duties under the Act are considered to be at work. They must be paid their regular rate by the employer, or, where applicable, their premium rate (i.e., **if** they are entitled to premium pay whenever they work excess hours and their duties as certified members take them beyond their usual hours of work) [section 48(2)].

The same applies if a joint health and safety committee member is fulfilling the requirements for becoming certified by the WSIB [section 9(36)].

Confidentiality of Information

Joint health and safety committee members may from time to time come across confidential information. Therefore, the Act requires joint health and safety committee members to observe some basic rules of confidentiality [section 63]. Except where allowed under the Occupational Health and Safety Act, or as required by another law, joint health and safety committee members:

- must not disclose any information about any workplace tests or inquiries conducted under the Act;
- must not reveal the name of any person from whom information is received;
- must not disclose any secret process or trade information; and
- may disclose the results of any medical examinations or tests of workers only in a way that does not identify anyone.

6. The Right to Refuse Work

The Occupational Health and Safety Act gives a worker the right to refuse work that he or she believes is unsafe.

The Act sets out a specific procedure that must be followed in a work refusal. It is important that workers, employers, supervisors, worker health and safety representatives and joint health and safety committee members understand this procedure.

Do all workers on farming operations have the right to refuse unsafe work?

Yes.

When can a worker refuse to work?

A worker can refuse to work if he or she has reason to believe that one or more of the following is true:

- Any machine, equipment or tool that the worker is using or is told to use is likely to endanger himself or herself or another worker [section 43(3)(a)].

- The physical condition of the workplace or work station is likely to endanger the worker [section 43(3)(b)].

- Any machine, equipment or tool that the worker is using, or the physical condition of the workplace, contravenes the Act or regulations and is likely to endanger himself or herself or another worker [section 43(3)(c)].

What happens when a worker refuses unsafe work?

The worker must immediately tell the supervisor or employer that the work is being refused and explain why [section 43(4)].

The supervisor or employer must investigate the situation immediately, in the presence of the worker and, if there is such, one of the following people:

- a joint health and safety committee member who represents workers, if there is one. If possible, this should be a certified member, if one is required; or
- a worker health and safety representative, in workplaces where there is no joint committee; or
- another worker, who, because of knowledge, experience and training, has been chosen by the workers to represent them.

The refusing worker must remain in a safe place near the work station until the investigation is completed [section 43(5)]. This interval is known as the "first stage" of a work refusal. If the situation is resolved at this point, the worker will return to work.

What if the refusing worker is not satisfied with the result of the investigation?

The worker can continue to refuse the work if he or she has reasonable grounds for believing that the work continues to be unsafe [section 43(6)]. At this point, the "second stage" of a work refusal begins.*

---

* *"Reasonable grounds" for continuing to refuse means that the worker has some objective information that makes him or her believe the work is still unsafe. The worker does not have to be correct in his or her knowledge or belief. For example, the refusing worker may have been told by other workers who have used a tractor that the brakes sometimes fail.*

What happens if a worker continues to refuse to work?

The worker, the employer or someone acting on behalf of either the worker or employer must notify a Ministry of Labour inspector. The inspector will come to the workplace to investigate the refusal by consulting with the worker and the employer (or a representative of the employer). If there is a worker committee member, a worker health and safety representative or a worker selected by the workers to represent the worker, they will also be consulted as part of the inspector's investigation [section 43(6)].

While waiting for the inspector's investigation to be completed, the worker must remain in a safe place near the work station, unless the employer assigns some other reasonable work during normal working hours. If no such work exists, the employer can give other directions to the worker [section 43(10)].

The inspector must decide whether the work is likely to endanger the worker or another person. The inspector's decision must be given, in writing, to the worker, the employer, and the worker representative, if there is one. If the inspector finds that the work is not likely to endanger anyone, the refusing worker is expected to return to work [sections 43(8) and (9)].

Can another worker be asked to do the work that was refused?

Yes. While waiting for the inspector to investigate and give a decision on the refusal, the employer or supervisor can ask another worker to do the work that was refused. The second worker must be told that the work was refused and why. This must be done in the presence of a joint health and safety committee member who represents workers, or a health and safety representative if there is one, or a worker representative chosen because of knowledge, experience and training. [sections 43(11) and (12)].

The second worker has the same right to refuse as the first worker.

Is a worker paid while refusing to work?

Although the Act does not cover this point, the Ontario Labour Relations Board has ruled that a refusing worker is considered to be at work during the first stage of a work refusal and is entitled to be paid at his or her appropriate rate.

A person acting as a worker representative during a work refusal is paid at either the regular or, where applicable, their premium rate [section 43(13)].

Can an employer discipline or otherwise penalize a worker for refusing to work?

No. A worker has the duty to work in accordance with the Act and the regulations and has the right to seek their enforcement. The employer is not allowed to dismiss, discipline, suspend or penalize a worker in any other way, or threaten to do any of these things to a worker who has acted in compliance with the law [section 50(1)]. This also applies if a worker has given evidence at an inquest or a prosecution under the Act or the regulations.

However, this provision does not apply if the work refusal was made in bad faith, or if the worker continues to refuse after the Ministry of Labour inspector finds that the work is not likely to endanger the worker.

What if an employer disciplines or otherwise penalizes a worker for complying with the Act and refusing to work?

Any worker who believes he or she was penalized by the employer because he or she exercised the right to refuse dangerous work may file a complaint with the Ontario Labour Relations Board (OLRB).

The OLRB can be contacted at 416-326-7500 or toll-free at 1-877-339-3335, 505 University Ave, 2nd floor, Toronto, Ontario, M5G 2P1, or www.olrb.gov.on.ca.

Before doing the above, the worker or the employer has the option of contacting the Ministry of Labour, and an inspector shall respond. There is no requirement to contact the ministry.

If the complaint is taken to the OLRB, the employer must prove that the discipline or other penalty imposed on the worker was the result of an improper refusal [section 50(5)]. The OLRB has the power to remove or change any penalty imposed on the worker [section 50(7)].

7. Workplace Safety and Insurance Board (WSIB)

The Workplace Safety and Insurance Board (formerly the Workers' Compensation Board) was established in 1997 by the Workplace Safety and Insurance Act, 1997, (WSIA). Under Part II of this Act, the Workplace Safety and Insurance Board (WSIB) has a mandate to promote health and safety in workplaces and to reduce the occurrence of workplace injuries and occupational diseases.

The WSIB is directed by a multi-stakeholder Board of Directors. The multi-stakeholder structure reinforces one of the main principles underlying the Occupational Health and Safety Act: the importance of partnerships among the workplace parties in both fostering a commitment to and improving occupational health and safety.

The main functions of the WSIB are outlined in section 4(1) of the WSIA and summarized below.

Certification of Joint Health and Safety Committee Members

The WSIB is responsible for developing the standards that must be met in order for a joint committee member to become certified, for approving certification training programs, and for certifying persons who meet its standards [section 4(1) paragraphs 4 and 5 of the WSIA].

Education and Training

The WSIB has several areas of responsibility that relate to education and training. Under section 4(1) paragraph 3 of the WSIA, the WSIB is to educate employers, workers and other persons about occupational health and safety. As mentioned above, the WSIB has the authority to approve certification training programs. The WSIB can also set standards for and fund first-aid training [section 4(1) paragraph 10 of the WSIA].

Health and Safety Training Centres, Clinics and Safety Associations

The WSIB establishes standards for the governance, function and operations of safety associations, training centres and clinics and has the authority to designate organizations that meet these standards. Designated organizations are eligible for financial assistance from the WSIB but must operate in accordance with the WSIB's standards. If a designated organization does not meet these standards, the WSIB can reduce its funding or assume control of its operations [sections 6 and 7 of the WSIA].

Employer Accreditation

The WSIB has the authority to develop standards for the accreditation of employers who adopt health and safety policies and operate successful health and safety programs and can accredit employers who meet these standards [section 4(1) paragraphs 6 and 7 of the WSIA].

Other Functions

Other functions of the WSIB are:

- the funding of occupational health and safety research [section 4(1) paragraph 9 of the WSIA].

- to advise the Minister of Labour about matters related to occupational health and safety that are referred to the board or brought to its attention [section 4(1) paragraph 11 of the WSIA].

- to promote public awareness of occupational health and safety [section 4(1) paragraph 1 of the WSIA].

8. Enforcement

The Occupational Health and Safety Act is administered and enforced by the Ministry of Labour.

Inspectors of the Ministry of Labour investigate complaints, accidents, and work refusals. They inspect workplaces to ensure that the Act is being complied with, and that the internal responsibility system is working. Ideally, because of the internal responsibility system provided for in the Act, employers and workers will be able to resolve health and safety issues that arise at a workplace themselves, without the need to call in an inspector.

A representative of the employer and a representative of the workers normally accompany an inspector during any inspection or investigation. Any information obtained by an inspector or by anyone accompanying the inspector, is confidential and cannot be disclosed to anyone unless it is necessary to do so under the Act or some other law [section 63(1)]. Where an inspector visits a farming operation in response to a complaint, the identity of the worker who filed the complaint is kept confidential.

The Ministry of Labour recognizes that inspectors entering farming operations need to be aware of certain circumstances and hazards unique to such operations, such as the need to take precautions so that there is no biological cross-contamination between farms. Inspectors are trained on these issues prior to going onto farming operations.

Further, inspectors are governed by the Ministry of Labour's Code of Professionalism. Under this Code, which provides a consistent set of expectations regarding professionalism and service standards, inspectors conduct themselves in a fashion that promotes respect for the law; instils public confidence in their fairness and impartiality;

conveys a professional image; reflects the high standards, character and demeanour expected of those entrusted with the compliance function; and ensures that the duties being performed are timely, consistent, impartial and courteous.

Everyone in the Workplace is Expected to Co-operate

It is a contravention of the Act for any person to interfere in any way with an inspector. This includes giving false information, failing to give required information, or interfering with any monitoring equipment left in the workplace [section 62(1)].

What do inspectors do if they see a violation of the Act?

An inspector's enforcement action depends on the type of violation. If an inspector observes a violation of the Act, the inspector may issue an order for compliance. There are three different types of orders:

1. Time-based order – compliance must be achieved within a time frame determined by the inspector in consultation with the employer and worker representative (where there is one).

2. Forthwith order – efforts to achieve compliance must begin immediately and be completed before the inspector leaves the farming operation; or

3. Stop work order – used when an inspector finds that the contravention is an immediate danger or hazard to the health or safety of a worker (e.g. unguarded machinery that is being used). A stop work order will be withdrawn upon compliance.

Employer's notice of compliance with an order

If an inspector has issued an order to an employer to remedy a contravention of the Act or the regulations, the employer must send

written notification to the ministry within three days of when the employer believes the order has been complied with [section 59(1)].

This notice must be signed by the employer. It must also be accompanied by a signed statement from a worker member of the joint health and safety committee or a worker health and safety representative, indicating that he or she agrees or disagrees with the employer's notice of compliance with the order [section 59(2)(a)].

The committee member or representative can, for any reason, decline to sign such a statement. One reason might be that the member or representative may feel that he or she cannot properly evaluate the employer's compliance with the order. In such a case, the employer must submit, along with the compliance notification, a statement that the member or representative declined to sign the statement of agreement or disagreement [section 59(2)(b)].

The employer must post copies of both the notice of compliance and the original order in a place where they are most likely to be seen by workers. The notice must appear for 14 days [section 59(3)].

The employer's notice of compliance to the ministry does not mean that compliance with an order has been achieved. This can be determined only by an inspector [section 59(4)].

What is an investigation?

When a workplace is the site of a serious or fatal injury, an unusual occurrence or a refusal to work, or when a person files a complaint with the Ministry of Labour regarding a breach in the *Act*, an investigation may be conducted.

Investigations are conducted by a ministry inspector, who is normally accompanied by a representative of the employer and a representative of the workers.

Everyone in the workplace is required to co-operate with an inspector during an investigation.

Posting Orders and Reports in the Workplace

When an inspector issues an order or a report of the inspection or investigation, a copy of the order or report must be posted in the workplace, where it is most likely to be seen by the workers. A copy must also be given to either the joint health and safety committee or the health and safety representative [section 57(10)].

If the order or report resulted from a complaint of a contravention of the Act or the regulations, the inspector must ensure that the complainant receives a copy of the order or report, upon request [section 57(10)].

The Scene of a Critical or Fatal Injury

If a person is critically injured or killed at a workplace, no person can alter the scene where the injury occurred in any way without the permission of an inspector.

This does not apply if it is necessary to disturb the scene in order to:

- save a life or relieve human suffering
- maintain an essential public utility service or public transportation system; or
- prevent unnecessary damage to equipment or other property [section [51(2)].

Can an inspector's order be appealed?

Yes. Anyone, including a worker, who is affected by an inspector's order can appeal to the Ontario Labour Relations Board ("OLRB") within 30 days of the order being issued. The decision of an inspector *not* to issue an order can also be appealed to the OLRB [sections 61(1) and 61(5)].

The OLRB will hear and make a decision on the appeal as promptly as possible under the circumstances. The OLRB has the power to suspend an inspector's order until a decision on the appeal has been made.

In making a decision, the OLRB has all the powers of an inspector and can uphold the order of the inspector, rescind it or issue a new order.

The decision of the OLRB is final.

Offences and Penalties

The Ministry of Labour may prosecute any person for violating the Act or the regulations, or for failing to comply with an order of an inspector, a Director of the Ministry of Labour, or the Minister of Labour [section 66(1)]. In deciding whether or not to prosecute, the Ministry takes into account factors including, but not limited to, the seriousness of the offence and whether there have been repeated contraventions or ignored orders.

If convicted of an offence under the Act, an individual can be fined up to $25,000 and/or imprisoned for up to 12 months. The maximum fine for a corporation convicted of an offence is $500,000.

Appendix A

How to Prepare an Occupational Health and Safety Policy on a Farming Operation

The Occupational Health and Safety Act requires employers that regularly employ more than five employees to prepare and review at least annually a written occupational health and safety policy, and to develop and maintain a program to implement that policy. This Appendix has been prepared to assist employers in understanding these obligations.

Occupational Health and Safety Policies

An occupational health and safety policy is a statement of an employer's commitment to worker health and safety. A clear, concise occupational health and safety policy, signed by the highest level of management at the workplace, should state the employer's commitment, support and attitude to the health and safety program for the protection of workers.

The employer's attitudes, relationships between management and workers, community interests and technology all combine to play a part in determining how health and safety are viewed and addressed in the workplace.

Workplaces with exceptional health and safety records have established a clear line of responsibility for correcting health and safety concerns. This action enhances working relationships between management and workers.

An example of a good health and safety policy follows:

Health and Safety Policy

[Employer name/Farm operation] is vitally interested in the health and safety of its employees. Protection of employees from injury or occupational disease is a major continuing objective. [_____] will make every effort to provide a safe, healthy work environment. All supervisors and workers must be dedicated to the continuing objective of reducing risk of injury.

[_____], as employer, is ultimately responsible for worker health and safety. As the employer of [_____], I give you my personal promise that every reasonable precaution will be taken for the protection of workers.

Supervisors will be held accountable for the health and safety of workers under their supervision. Supervisors are responsible to ensure that machinery and equipment are safe and that workers work in compliance with established safe work practices and procedures. Workers must receive adequate training in their specific work tasks to protect their health and safety.

Every worker must protect his or her own health and safety by working in compliance with the law and with safe work practices and procedures established by the company (or farm operation).

All workplace parties shall consider health and safety in every activity. Commitment to health and safety is an integral part of this organization, from the owner to the workers.

Signed: [_____]
Employer (Farm operation)

Health and Safety Program

In addition to preparing a health and safety policy like the one above, the employer who regularly employs more than five employees must also have a program in place to implement that policy. This program will vary, depending upon the hazards encountered in a particular workplace. Program elements may include all or some of the following:

1. Worker training (e.g., new employees, new equipment, new job procedures)
2. Workplace inspections and hazard analysis
3. Analysis of the accidents and illnesses occurring at the workplace
4. A health and safety budget
5. A formal means of communication to address promptly the concerns of workers
6. Confined space entry procedure (for example, into spreader tanks, manure storage areas, silos)

7. Lock-out procedure (i.e., to ensure that energy in equipment is prevented from causing movement to the equipment while workers are performing maintenance or making other adjustments to it)

8. Machine guarding

9. Material-handling practices and procedures

10. Procedures specific to the individual farming operation, e.g., harvesting fruit, large animal handling

11. Preventing occupational disease, e.g., preventing the transmission of diseases from animals to humans

12. Maintenance and repairs

13. Housekeeping

14. Personal protective equipment, e.g., respirators, hearing protection, fall protection.

15. Emergency procedures

16. First-aid and rescue procedures

17. Electrical safety

18. Fire prevention

19. Engineering controls (e.g., ventilation)

This is not a comprehensive list.

Note: the Program identifies the roles and responsibilities of individuals who are in charge of its implementation. It is the tool that makes is possible for the Internal Responsibility System to be in place. It embodies clear links between the Health and Safety Policy statements and their day to day implementation in the workplace.

Appendix B

Regulations made under the Occupational Health and Safety Act that apply to Farming Operations

ONTARIO REGULATION 414/05 - FARMING OPERATIONS

Application of Act to farming operations

1. Subject to the limitations and conditions set out in this Regulation, the Act applies to farming operations.

Exception

2. Despite section 1, the Act does not apply to a farming operation operated by a self-employed person without any workers.

Limitations, joint health and safety committees

3. (1) Despite section 1, subsection 9 (2) of the Act applies only to farming operations where 20 or more workers are regularly employed and have duties that include performing work related to one or more of the operations specified in subsection (2).

(2) The following are the operations referred to in subsection (1):

1. Mushroom farming.
2. Greenhouse farming.
3. Dairy farming.
4. Hog farming.
5. Cattle farming.
6. Poultry farming.

(3) Despite section 1, where a joint health and safety committee is required at a farming operation, the requirement for certified members set out in subsection 9 (12) of the Act applies to that farming operation only if 50 or more workers are regularly employed at it.

Application of certain regulations

4. (1) Despite section 1 and subject to subsection (2), the regulations made under the Act do not apply to farming operations.

(2) The following regulations apply to farming operations:

1. Regulation 834 of the Revised Regulations of Ontario, 1990 (Critical Injury — Defined) made under the Act.
2. Ontario Regulation 780/94 (Training Programs) made under the Act.
3. Ontario Regulation 572/99 (Training Requirements for Certain Skill Sets and Trades) made under the Act.

REGULATION 834 - CRITICAL INJURY - DEFINED

1. For the purposes of the Act and the Regulations, "critically injured" means an injury of a serious nature that,

(a) places life in jeopardy,

(b) produces unconsciousness,

(c) results in substantial loss of blood,

(d) involves the fracture of a leg or arm but not a finger or toe,

(e) involves the amputation of a leg, arm, hand or foot but not a finger or toe,

(f) consists of burns to a major portion of the body, or

(g) causes the loss of sight in an eye.

ONTARIO REGULATION 780/94 - TRAINING PROGRAMS

1. (1) The employer is required under clause 26 (1) (l) of the Act to carry out the training programs necessary to enable a

committee member to become a certified member, which must be selected in accordance with the policies and guidelines of the Workplace Health and Safety Agency.

(2) In subsection (1),
"carry out" includes paying for the training.

ONTARIO REGULATION 572/99 - TRAINING REQUIREMENTS FOR CERTAIN SKILL SETS AND TRADES

1. In this Regulation,

   "scheduled skill set" means a restricted skill set within the meaning of the Apprenticeship and Certification Act, 1998 that, for the purposes of section 12 of that Act, is included in a trade or other occupation, if the trade or other occupation is listed in Schedule 1;

   "scheduled trade" means a certified trade within the meaning of the Trades Qualification and Apprenticeship Act that is listed in Schedule 2.

2. (1) A worker shall not perform a skill that is part of a scheduled skill set unless he or she is authorized to perform the skill under the Apprenticeship and Certification Act, 1998.

   (2) Every employer who employs a worker to perform a skill that is part of a scheduled skill set shall ensure that the worker is authorized to perform the skill under the Apprenticeship and Certification Act, 1998.

3. (1) A worker shall not carry out work in a scheduled trade unless he or she is authorized to carry out work in that trade under the Trades Qualification and Apprenticeship Act.

   (2) Every employer who employs a worker in a scheduled trade shall ensure that the worker is authorized to carry out work in that trade under the Trades Qualification and Apprenticeship Act.

(3) For the purposes of this section, a worker is carrying out work in a trade if that work is part of the trade as set out in the regulation made under the Trades Qualification and Apprenticeship Act and referred to in Schedule 2.

SCHEDULE 1

Item	Trade or Other Occupation
1.	Alignment and brakes technician
2.	Auto body and collision damage repairer
3.	Auto body repairer
4.	Automotive electronic accessory technician
5.	Automotive service technician
6.	Fuel and electrical systems technician
7.	Motorcycle technician
8.	Transmission technician
9.	Truck and coach technician
10.	Truck-trailer service technician
11.	Water meter installer

SCHEDULE 2

Item	Trade	Program
1.	Electrician, branch 1: construction and maintenance electrician	Reg. 1051, R.R.O. 1990
2.	Electrician, branch 2: domestic and rural electrician	Reg. 1051, R.R.O. 1990
3.	Hoisting engineer, branch 1: mobile crane operator	Reg. 1060, R.R.O. 1990
4.	Hoisting engineer, branch 2: mobile crane operator	Reg. 1060, R.R.O. 1990
5.	Hoisting engineer, branch 3: tower crane operator	Reg. 1060, R.R.O. 1990
6.	Plumber	Reg. 1073, R.R.O. 1990
7.	Refrigeration and air conditioning mechanic, branch 1: refrigeration and air conditioning systems mechanic	O. Reg. 75/05
7.1	Refrigeration and air conditioning mechanic, branch 2: residential air conditioning systems mechanic	O. Reg. 75/05
8.	Sheet metal worker	Reg. 1077, R.R.O. 1990
9.	Steamfitter	Reg. 1079, R.R.O. 1990

Appendix C

Ministry of Labour – Occupational Health and Safety Contact Information

Many of the 1- 800 or toll-free numbers listed below are accessible **only** within the area code of the relevant office

CENTRAL REGION

Central Region includes Toronto and the following counties: Dufferin, Durham, Peel, Simcoe and York

Central Occupational Health and Safety Duty Desk
416-314-5421 / 1- 800-991-7454
Fax: 416-235-3972

EASTERN REGION

Eastern Region includes the following counties: Frontenac, Haliburton, Hastings, Lanark, Leeds & Grenville, Lennox & Addington, Muskoka, Northumberland, Ottawa-Carleton, Peterborough, Prescott & Russell, Prince Edward, Renfrew, Stormont Dundas & Glengarry and Victoria

Ottawa
1111 Prince of Wales Drive,
Suite 200
Ottawa ON K2C 3T2
613-228-8050 / 1- 800-267-1916
Fax: 613-727-2900

Kingston
51 Heakes Lane
Beechgrove Complex
Kingston ON K7M 9B1
613-545-0989 / 1- 800-267-0915
Fax: 613-545-9831

Peterborough
300 Water Street North
3rd Floor South Tower
Peterborough ON K9J 8M5
705-755-4700 / 1- 800-461-1425
Fax: 705-755-4724

NORTHERN REGION

Northern Region includes the following counties: Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming

Sudbury
159 Cedar Street, Suite 301
Sudbury ON P3E 6A5
705-564-7400 / 1- 800-461-6325
Fax 705-564-7435

North Bay
447 McKeown Ave., Ste. 201
North Bay ON P1B 9S9
705-497-5234 / 1-877-717-0778
Fax: 705-497-6850

Sault Ste. Marie
70 Foster Drive, Suite 480
Sault Ste Marie ON P6A 6V4
705-945-6600 / 1- 800-461-7268
Fax 705-949-9796

Thunder Bay
435 James Street South, Suite 222
Thunder Bay ON P7E 6S7
807-475-1691 / 1- 800-465-5016
Fax 807-475-1646

Timmins
(mailing address)
P.O. Bag 3050
South Porcupine ON P0N 1H0
(office address)
Ontario Government Complex
D Wing Highway 101 East
Porcupine ON P0N 1C0
705-235-1900 / 1- 800-461-9847
Fax 705-235-1925

WESTERN REGION

Western Region includes the following counties: Brant, Bruce, Elgin, Essex, Grey, Haldimand-Norfolk, Halton, Hamilton-Wentworth, Huron, Kent, Lambton, Middlesex, Niagara, Oxford, Perth, Waterloo and Wellington

Western Occupational Health and Safety Call Centre
905-577-9774 / 1- 877-202-0008
Fax: 905-577-1316

NOTES:

-The above contact numbers are for reporting fatalities and critical injuries, work unsafe workplace complaints and joint health and safety committee disputes, as w with the application of the OHS Act and regulations, and referrals to other healtl partners (WSIB, IAPA, CSAO, etc).

- For health and safety emergencies outside of regular business hours, please cont Action Centre (SAC) at 416-325-3000 or 1- 800-268-6060.

- All calls relating to employment standards (i.e., hours of work, overtime, public vacation, leaves of absence, termination, etc.) should be directed to the ES Inform at 416-326-7160 or 1- 800-531-5551.

- For more contact information, or if you're not sure what region you're in, pleas Blue Pages of your local telephone book under "Employment", "Health and Safet or check our list of Regional Offices (under "Contact Us") on the Ministry's web http://www.labour.gov.on.ca

Appendix D

Notice of Critical Injury or Fatality

The employer's written notice of a critical injury or fatality should include the following information:

a) the name, address and phone number of the employer

b) the type of farming operation;

c) the name, address and phone number of the person who was killed or critically injured;

d) the time and place of the occurrence;

e) a description of the occurrence and the bodily injury sustained;

f) a description of the machinery or equipment involved, if any;

g) the names, addresses and phone numbers of all witnesses to the occurrence; and

h) the name, address and phone number of the physician, if any, by whom the person was or is being attended; and,

i) the steps taken to prevent a recurrence.

Notice of Occurrence or Occupational Illness

The employer's written notice of an accident, explosion or fire that disables a worker but is not a critical injury; or, of an occupational illness, should include the following information:

a) the name, address and phone number of the employer

b) the type of farming operation;

c) the name, address and phone number of the person suffering the injury or illness;

d) the time and place of the occurrence;

e) a description of the occurrence and the bodily injury or illness sustained;

f) a description of the machinery or equipment involved, if any;

g) the names, addresses and phone numbers of all witnesses to the occurrence;

h) the name, address and phone number of the physician, if any, by whom the person was or is being attended for the injury or illness; and,

i) the steps taken to prevent a recurrence

NOTES

Ontario

Ministry of Labour

Operations Division

400 University Avenue
Toronto, Ontario
M7A 1T7

ISBN 1-4249-0213-4

03/06